

REMARKS

The Office Action mailed March 4, 2005 has been reviewed and carefully considered.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 21, 26 and 29 have been amended, new claims 31-33 have been added, claims 21-24, 26-33 are pending in this application.

Claims 21-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan et al., (USP 6,141,339) in view of Gerszberg et al. (USP 6,359,881).

U.S. Patent No. 6,141,339 to Kaplan et al. discloses a telecommunication system that is adapted to convert voice traffic to ATM for transmission over the DSL connection. In particular, Kaplan teaches the conversion of POTS traffic to ATM traffic at the residence of the user (See Col. 3, line 41-21). This clearly shows that Kaplan et al. does not disclose or suggest the capability of receiving an analog POTS signal into the DSL network. Thus, there would be no need for a POTS signal digitizer of the present invention, as disposed between a POTS splitter and an ATM switch in the DSL environment.

Furthermore, and as noted by the Examiner, Kaplan et al. does not disclose a fault tolerance, or power failure mode for handling the POTS when the customer site loses power.

U.S. Patent no. 6,359,881 to Gerszberg et al. has been cited by the Examiner for showing a lifeline “.....utilized to connect interface device to the local

telephone company's central office." However, Gerszberg clearly teaches the lifeline 126 maintains a constant connection between the TVRC modem 114 and the residential interface 115 (Figure 2). This "lifeline" is provided within the intelligent services director (ISD) 22 located at the customer location, thus further identifying an "at the residence" limitation that is common to both Kaplan and Gerszberg.

The present invention, as claimed in amended claims 21 and 29, provides the fault tolerance within the DSL environment, and in particular by adding a signal (e.g., POTS) digitizer between the POTS splitter and the ATM switch, both of which are clearly part of the DSL environment that is not "at the residence" location. Thus, the combination of the references fails to teach or suggest the system and method of the present invention. Withdrawal of the rejections is respectfully requested.

Claim 26 has also been amended to clarify the physical location of the signal digitizer as being disposed in the DSL network of the service provider. As stated above with respect to system claims 21 and 29, this concept is neither disclosed, nor suggested by the combined teachings of Kaplan and/or Gerszberg.

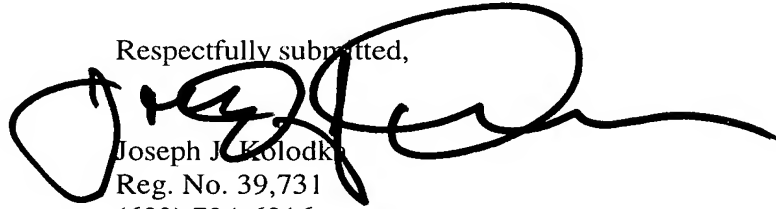
New claims 31 -33 have been added to the application. These claims further recite the disposition of the signal digitizer within a DSLAM that is contained in the service provider's DSL network.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of March 4, 2005 be withdrawn, that pending claims 21-24 and 26 – 32 be allowed, and that the application proceed to early issuance of Letters Patent in due course.

RCA 90,195

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,



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